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FM AMEMBASSY NEW DELHI
TO RUEHCG/AMCONSUL CHENNAI 5352
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RUEHBI/AMCONSUL MUMBAI 4379
RUEHC/SECSTATE WASHDC 8764
INFO RULSDMK/DEPT OF TRANSPORTATION WASHDC PRIORITY
RHMCSUU/DEPT OF HOMELAND SECURITY WASHINGTON DC PRIORITY
RHMCSUU/TSA HQ WASHINGTON DC PRIORITY
RUEHGP/AMEMBASSY SINGAPORE PRIORITY 2339
RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE
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UNCLAS SECTION 01 OF 02 NEW DELHI 002416

SENSITIVE
SIPDIS

STATE FOR SCA/INSB, SCA/RA, EEB/TRA/OTP, EEB/TRA/AN
PASS TO DOT/SHADLEY
DHS PASS TO TSA/OCC MSHARABI, TSA/OGS DMCQUAID, JCASTLEBERRY
SINGAPORE FOR TSA/TKEENE

E.O. 12958: N/A
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SUBJECT: CIVAIR INDIA: CLARIFICATION SOUGHT ON SECURITY SCREENINGS
FROM MINISTRY OF CIVIL AVIATION

REF: STATE 122215

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¶1. (SBU) Summary: ECON/EST MIN-COUNS November 30 delivered reftel demarche on security screenings to Ministry of Civil Aviation (MOCA) Secretary Nambiar. In response, Nambiar, noting that differing national screening guidelines created "muddy water," agreed that the United States and India must cooperate closely to ensure aviation security consistent with passenger dignity. He indicated that the GOI is interested in signing the Airport Technical Visit Memorandum of Understanding (BCAS MOU) at the December 6-12 India-U.S. Aviation Summit in Washington. Nambiar sees this as helping to build trust and greater mutual understanding on this sensitive issue. GOI participants also said that a decision on mandatory travel agency commissions is being forwarded to the Law Ministry for a legal finding. END SUMMARY.

¶2. (SBU) In a cordial and productive November 30 meeting, EEST M-C, raised reftel demarche with MOCA Secretary Nambiar, India's senior career aviation official. EEST M-C also provided Nambiar with the TSA security directive and emergency amendment (SD/EA) that are the basis for the security screenings at issue and accompanying release letter. While allowing that he does not have line responsibility for security issues which fall under the Bureau of Civil Aviation Security (BCAS), Nambiar agreed that it was important that the United States and India cooperate on security, of utmost concern to both countries.

¶3. (SBU) Econoffs also requested an update on the status of the BCAS MOU. Secretary Nambiar said it was highly likely that the BCAS MOU would be ready for signing at the upcoming U.S.-India Aviation Partnership Summit in Washington D.C. (December 6-12). Nambiar declared that the BCAS MOU is a step in the right direction. He said visits and discussions under it would help build trust and greater understanding of each country's concerns. He asked that Econoffs stay in close contact with his office to follow up on the MOU in the coming week.

¶4. (SBU) After hearing out U.S. concerns regarding secondary screenings, Nambiar said the conflict between TSA's SD/EA and Indian law (VVIP exemption list) created a difficult and delicate political situation which has to be handled carefully as to not inflame the matter or make muddy waters "more muddy." Clearly grasping the

potential problems for U.S.-India civil cooperation, Nambiar allowed that BCAS is comprised of individuals who, rather than seeing the big picture followed the rules (the rules being listed VVIPs are exempt from screening). Nonetheless, Nambiar pledged, BCAS would not do anything to create an unwanted situation. Nambiar suggested that this issue be downplayed for the near term and urged finding a way forward over time while keeping an eye on the sensitivities involved.

15. (SBU) In addition to the strong possibility of finalizing the BCAS MOU, Secretary Nambiar indicated the MOU concerning the deployment of air marshals (FAMS MOU) (undergoing clearance process at the Ministry of External Affairs) might also be ready in time to be signed at the Summit. He commented that it would be very nice to commemorate the signing of one or both MOUs with a ceremony. Although no one from BCAS would be part of the delegation, he himself or Director General of Civil Aviation Zaidi legally could sign either MOU.

16. (SBU) MOCA Joint Secretary Sukul, also present during the demarche delivery, told Econoffs that DGCA and MOCA had made a decision on mandatory travel agency commissions, and that the decision was being forwarded to the Law Ministry for a legal finding before being issued. Both Nambiar and Sukul said this process would not take very long. When asked if they could provide any information on the specifics of the decision, Sukul said the decision was in line with earlier discussions with Econoffs and what he communicated to John Byerly and Mary Street during their September 29 informal meeting on the sidelines of ICAO's air services negotiating conference in Istanbul. (Note: Sukul previously stated it is not government's role to interfere in commercial arrangements between airlines and travel agents. End Note).

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17. (U) Nambiar and Sukul did not impart any additional information regarding the new ground handling policy scheduled to come into effect January 1. Nambiar understands this will be discussed during his Washington, D.C. meeting with EEB/TRA/AN.

18. (U) On December 1 Econoff contacted Ministry of External Affairs to make arrangements for delivering the demarche to appropriate officials.

19. (U) Econoff will follow up on the status of the BCAS MOU with MOCA and report back via email.

ROEMER